

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	
)	
ROBERTO ESQUIVEL-ALONSO,)	No. 3:19-CR-19-PLR-DCP
)	
Defendant, and)	
)	
CELSO VELASQUEZ-MORALES, and)	
ELIZABETH ROXANA ESCOBAR-ESCOBAR))	
)	
Material Witnesses.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter came before the undersigned on February 20, 2019, for a status conference on the continued detention of material witnesses in *United States v. Roberto Esquivel-Alonso*, pursuant to 18 U.S.C. § 3144. Assistant United States Attorney William A. Roach, Jr., represented the Government. Assistant Federal Defender Mary Margaret Kincaid was present on behalf of Defendant Esquivel-Alonso. Attorneys Russell T. Greene and Michael P. McGovern represented the material witnesses, Celso Velasquez-Morales and Elizabeth Roxana Escobar-Escobar. Mr. Velasquez-Morales and Ms. Escobar-Escobar were also present and participated with the aid of an interpreter.

Mr. Velasquez-Morales and Ms. Escobar-Escobar appeared before the undersigned on February 1 and 5, respectively. At that time, the Court found [Docs. 17 & 21] that their testimony is material in this case and that securing their testimony by subpoena is not practical, because they are both subject to detainers by the Immigration and Customs Enforcement (“ICE”) agency. Additionally, both waived and reserved their right to detention hearing [*see* Docs. 15 & 20]. Accordingly, the Court ordered [Docs. 17 & 21] that they be detained to permit their attendance at depositions on February 20, 2019. The Court stated its intention to release Mr. Velasquez-Morales and Ms. Escobar-Escobar from the custody of the Attorney General and the United States Marshals Service, after their testimony is secured by deposition, and set a status hearing for both material witnesses for the afternoon of February 20, 2019.

On February 19, 2019, Defendant Esquivel-Alonso waived indictment and entered guilty pleas, pursuant to a written plea agreement, to both counts in the Information [Doc. 24]. That same day, AUSA Roach and Ms. Kincaid filed a Joint Status Report Regarding Material Witnesses [Doc. 26], stating that “[a]s a result of defendant’s guilty plea and his admission to the facts in the plea agreement, the parties agree that the material-witness depositions scheduled to occur on February 20, 2019, are no longer necessary” and that the testimony of Mr. Velasquez-Morales and Ms. Escobar-Escobar is no longer material. The parties requested that Mr. Velasquez-Morales and Ms. Escobar-Escobar be released to the custody of ICE, pursuant to detention orders filed with that entity.

At the February 20 status conference, AUSA Roach informed the Court that the depositions had been cancelled, because the testimony of Mr. Velasquez-Morales and Ms. Escobar-Escobar was no longer necessary, after Defendant Esquivel-Alonso’s change of plea. Ms. Kincaid did not object to the cancellation of the depositions or the release of Mr. Velasquez-

Morales and Ms. Escobar-Escobar.

Because Defendant Esquivel-Alonzo has entered guilty pleas to the two counts in the Information and has admitted the pertinent facts to which the material witnesses would have testified, the Court finds, and counsel for both the Government and Defendant Esquivel-Alonso agree, that further detention of the material witnesses to secure their testimony at Defendant Esquivel-Alonso's trial is no longer "reasonable" or "necessary to prevent the failure of justice." *See* 18 U.S.C. § 3144. Accordingly, in light of the intervening events, the material witnesses Celso Velasquez-Morales and Elizabeth Roxana Escobar-Escobar are **RELEASED** from the custody of the Attorney General and to their ICE detainers.

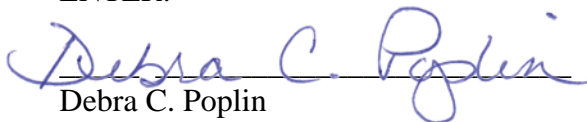
It is therefore **ORDERED** that:

(1) The material witnesses Celso Velasquez-Morales and Elizabeth Roxana Escobar-Escobar are **RELEASED** from the custody of the Attorney General and into the custody of ICE, pursuant to ICE detainers; and

(2) The Clerk of the Court shall provide copies of this Memorandum and Order to the United States Marshals Service.

IT IS SO ORDERED.

ENTER:


Debra C. Poplin
United States Magistrate Judge